

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ORPHEUS GRANT, individually and on behalf of all other persons similarly situated who were employed by AM COMMUNICATIONS LTD, AM COMMUNICATIONS LLC.; AM COMMUNICATIONS OF OHIO LLC; and/or any other entities affiliated with or controlled by AM COMMUNICATIONS, LTD.; AM COMMUNICATIONS LLC; and AM COMMUNICATIONS OF OHIO LLC;

No. 3:20-cv-01526-DNH-ML

Plaintiffs,

-against-

AM COMMUNICATIONS, LTD.; AM COMMUNICATIONS LLC; AM COMMUNICATIONS OF OHIO LLC; and any related entities,

Defendants.

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF THE PROPOSED SETTLEMENT, AND APPROVAL OF PLAINTIFFS' PROPOSED NOTICE OF SETTLEMENT AND PROPOSAL TO IMPLEMENT THE CLASS ACTION SETTLEMENT PROCEDURE**

The above-entitled matter came before the Court on Plaintiffs' Motion for Preliminary Approval of Settlement, and Approval of Plaintiffs' Proposed Notice of Settlement and Class Action Settlement Procedure ("Motion for Preliminary Approval").

**IT IS ORDERED AND ADJUDGED THAT:**

1. The Court certifies the Settlement Class for settlement purposes;
2. Plaintiffs' Motion for Preliminary Approval is granted;
3. The Court finds that the releases contemplated in the Settlement Agreement and Release are fair, reasonable, and enforceable under the New York Civil Practice Law and Rule §§ 907, 908, and 909, the Fair Labor Standards Act, the New York Labor Law, the New York State Department of Labor Regulations, and other applicable laws;
4. As set forth below, that the Court: (a) grants preliminary approval of the settlement, (b) approves distribution of the proposed notice and claim form, and (c) implements the schedule

proposed by the parties for effectuating the other terms of the proposed settlement.

**I. Preliminary Approval of Settlement**

5. Based upon the Court's review of the Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Class and Collective Action Settlement, the Declaration of James Murphy ("Murphy Declaration"), and other papers submitted in connection with Plaintiffs' Motion for Preliminary Approval, the Court grants preliminary approval of the settlement memorialized in the Settlement Agreement, attached hereto as Exhibit A.

6. The Court concludes that notice to the Class is appropriate.

7. The Court finds that the Settlement Agreement is the result of extensive, arm's length negotiations.

**II. Class Notice**

8. The Court approves the Proposed Notice of Class and Collective Action Settlement ("Notice"), annexed hereto as Exhibit B and directs its distribution to the Class and Collective members.

9. The Notice approved by this Court in the Preliminary Approval Order to Class Members constituted the best notice practicable under the circumstances, was accomplished in all material respects, and fully met the requirements of Rule 23 of the Federal Rules of Civil Procedure, due process, the United States Constitution and any other applicable law.

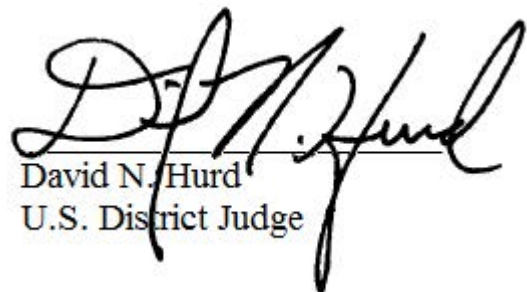
10. The Notice satisfies each of these requirements and adequately puts class members on notice of the proposed settlement.

**III. Class Action Settlement Procedure**

11. The Court hereby sets the following settlement procedure:

<b>August 16, 2023</b>	Defendants' Counsel will provide Class Counsel and the Settlement Administrator with the Class List
<b>August 31, 2023</b>	Mailing of Class Notice.
<b>October 30, 2023</b>	Last day for Class Members to "opt out" of the Settlement or to submit written objections to the Settlement ("Bar Date").
<b>November 13, 2023</b>	Class Counsel shall submit Motion for Judgment and Final Approval.
<b>November 28, 2023 at 1:00 p.m.</b>  At the courthouse located at  10 Broad Street in Utica, New York.	Final Fairness Hearing.  (Without additional notice to Class Members, the Court may, in its discretion, cancel or adjourn the Fairness Hearing, or change the Fairness Hearing from in-person to remote)

It is so ORDERED this 1st day of August, 2023.



David N. Hurd  
U.S. District Judge